

STATE OF MICHIGAN
BEFORE THE MICHIGAN JUDICIAL TENURE COMMISSION

COMPLAINT AGAINST:

Hon. William C. Hultgren

19th District Court
16077 Michigan Avenue
Dearborn, MI 48126

Formal Complaint No. 82

COMPLAINT

The Michigan Judicial Tenure Commission (“JTC”) files this complaint against Honorable William C. Hultgren (“Respondent”), 17th District Court Judge, Dearborn, Michigan. This action is taken pursuant to the authority of the Commission under Article 6, Section 30 of the Michigan Constitution of 1963, as amended and MCR 9.200 *et seq.* The filing of this Complaint has been authorized and directed by resolution of the Commission.

1. Respondent is, and at all material times was, a judge of the 19th District Court in Dearborn, Michigan.

2. As a judge, Respondent is subject to all the duties and responsibilities imposed on him by the Michigan Supreme Court, and is subject to the standards for discipline set forth in MCR 9.104 and MCR 9.205.

3. In the fall of 2006, Ali Beydoun, a person known to Respondent, contacted Respondent's secretary, and arranged a meeting for October 16, 2006, in Respondent's office to discuss a legal problem of his business partner's cousin, Hussein Dabaja.

4. Hussein Dabaja, as well as Frank Dabaja (Mr. Beydoun's business partner), attended the meeting between Respondent and Mr. Beydoun, which was held in the judge's chambers.

5. At the meeting, Hussein Dabaja represented that he was a defendant in a debt collection proceeding, but claimed it was a case of mistaken identity, as a different person by the same name incurred the debt.

6. Hussein Dabaja also provided information to Respondent, including a passport and social security number, relevant to his claim.

7. Respondent had his secretary check Hussein Dabaja's name in the court computer system, which revealed that *Asset Acceptance Corporation v Hussein Dabaja*, Case No. GC067971 (hereinafter "*Asset Acceptance v Dabaja*") was pending in the 19th District Court.

8. *Asset Acceptance v Dabaja* was, at all relevant times, assigned to 19th District Court Judge Mark W. Somers.

9. Instead of refraining from any involvement in the matter, Respondent accepted the documents offered by Hussein Dabaja.

10. Respondent thereafter placed a telephone call to the office of attorney Thomas D. Hocking, who represented Asset Acceptance in the litigation, and spoke with Danielle Groppi, a litigation secretary.

11. As Mr. Hocking was not available, Respondent discussed facts relating to *Asset Acceptance Corporation v Dabaja* with Ms Groppi, including information concerning the allegation by Hussein Dabaja that he was not the rightful defendant in the case.

12. Subsequent to that conversation, Respondent wrote a letter dated October 16, 2006, to Mr. Hocking, which explained Hussein Dabaja's claims and attached the materials that purportedly confirmed his assertions.

13. The letter was prepared on Respondent's official 19th District Court judicial letterhead.

14. Respondent had the letter faxed to Mr. Hocking's office on October 16, 2006.

15. The next hearing in *Asset Acceptance Corporation v Dabaja* occurred on December 8, 2006, before Judge Somers.

16. After Judge Somers learned at the hearing of Respondent's involvement, he asked for an explanation regarding Respondent's personal intervention on behalf of a litigant in a case pending with another judge, via a memorandum dated December 14, 2006.

17. In reply, Respondent sent a memorandum dated January 3, 2007, to Judge Somers, where Respondent represented that Respondent's acts were proper.

18. In the reply memorandum, Respondent referred to the plaintiff's attorney involved as "a lawyer in a credit card collection mill."

19. Respondent's conduct, as described above, constitutes the following violations of judicial conduct standards:

- a. Misconduct in office, as defined by the Michigan Constitution of 1963, as amended, Article 6, Section 30 and MCR 9.205;
- b. Conduct clearly prejudicial to the administration of justice, as defined by the Michigan Constitution of 1963, as amended, Article 6, Section 30, MCR 9.104(A)(1), and MCR 9.205;
- c. Failure to establish, maintain, enforce and personally observe high standards of conduct so that the integrity and independence of the judiciary may be preserved, contrary to the Code of Judicial Conduct, Canon 1;
- d. Irresponsible or improper conduct which erodes public confidence in the judiciary, in violation of the Code of Judicial Conduct, Canon 2A;
- e. Conduct involving impropriety and the appearance of impropriety, in violation of the Code of Judicial Conduct, Canon 2A;
- f. Allowing social or other relationships to interfere with judicial conduct, in violation of Michigan Code of Judicial Conduct Canon 2C;
- g. Using the prestige of office to advance business interests of others, in violation of Michigan Code of Judicial Conduct Canon 2C;
- h. Exposure of the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2);
- i. Conduct which is contrary to justice, ethics, honesty or good morals, in violation of MCR 9.104(3); and

- j. Conduct that violates the standards or rules of professional responsibility adopted by the Supreme Court, contrary to MCR 9.104(4).

Pursuant to MCR 9.209, Respondent is advised that an original verified answer to the foregoing complaint, and nine copies thereof, must be filed with the Commission within 14 days after service upon Respondent of the Complaint. Such answer shall be in a form similar to the answer in a civil action in a circuit court and shall contain a full and fair disclosure of all the facts and circumstances pertaining to Respondent's alleged misconduct. The willful concealment, misrepresentation, or failure to file such answer and disclosure shall be additional grounds for disciplinary action under the complaint.

**JUDICIAL TENURE COMMISSION
OF THE STATE OF MICHIGAN**
3034 W. Grand Boulevard
Suite 8-450
Detroit, MI 48202

By: _____ /s/
Paul J. Fischer (P 35454)
Examiner

/s/

 Casimir J. Swastek (P 42767)
 Associate Examiner

Dated: July 10, 2007

PJF/